

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

RAFAEL DE LA CRUZ-THEN

PETITIONER

VS.

CIVIL ACTION NO. 5:11CV167DCB-RHW

VANCE LAUGHLIN

RESPONDENT

ORDER

This cause came on this date to be heard upon the Report and Recommendation of the United States Magistrate Judge, after referral of hearing by this Court, and there being no objections thereto filed by either party, and the Court, having fully reviewed the Report and Recommendation of the United States Magistrate Judge entered in this cause, and being duly advised in the premises, finds that said Report and Recommendation should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of United States Magistrate Judge Robert H. Walker be, and the same is hereby, adopted as the finding of this Court, and Petitioner's §2241 petition for writ of habeas is dismissed without prejudice for failure to exhaust administrative remedies and with prejudice on the merits.

A separate judgment will be entered herein in accordance with the Order as required by Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED, this the 24th day of October, 2012.

s/ David Bramlette
UNITED STATES DISTRICT JUDGE